

SENATE BILL

No. 5

Introduced by Senator Machado

December 5, 2003

An act relating to ballot measures, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as introduced, Machado. Ballot measures.

This bill would waive the statutory deadline for placement of certain measures, to be determined by the Legislature, on the ballot.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Notwithstanding the requirements of Sections
2 9040, 9043, 9044, 9061, and 9082 of the Elections Code or any
3 other provision of law, the Secretary of State shall submit Senate
4 Constitutional Amendment 4, if adopted by the Legislature at the
5 2003–04 5th Extraordinary Session, to the voters at the March 2,
6 2004, statewide primary election.

7 SEC. 2. Notwithstanding Section 13115 of the Elections
8 Code, Senate Constitutional Amendment 4, if adopted by the
9 Legislature at the 2003–04 5th Extraordinary Session, and any
10 other measure placed on the ballot by the Legislature for the March
11 2, 2004, statewide primary election after the 131-day deadline set

1 forth in Section 9040 of the Elections Code shall be placed on the
2 ballot, following all other ballot measures, in the order in which
3 they qualified as determined by chapter number.

4 SEC. 3. The Secretary of State shall include, in the ballot
5 pamphlets mailed pursuant to Section 9094 of the Elections Code,
6 the information specified in Section 9084 of the Elections Code
7 regarding Senate Constitutional Amendment 4, if adopted by the
8 Legislature at the 2003–04 5th Extraordinary Session.

9 If that inclusion is not possible, the Secretary of State shall
10 publish a supplemental ballot pamphlet regarding this act to be
11 mailed with the ballot pamphlet. If the supplemental ballot
12 pamphlet cannot be mailed with the ballot pamphlet, the
13 supplemental ballot pamphlet shall be mailed separately.

14 SEC. 4. Notwithstanding Section 13282 of the Elections
15 Code, the public shall be permitted to examine the condensed
16 statement of the ballot title for not more than eight days. Any voter
17 may seek a writ of mandate for the purpose of requiring any
18 statement of the ballot title, or portion thereof, to be amended or
19 deleted only within that eight-day period.

20 SEC. 5. Notwithstanding any other provision of law, all
21 ballots of the March 2, 2004, primary election shall have printed
22 thereon and in a square thereof, the words: (insert ballot label
23 language here). Opposite the square, there shall be left spaces in
24 which the voters may place a cross in the manner required by law
25 to indicate whether they vote for or against the act.

26 Notwithstanding Sections 13247 and 13281 of the Elections
27 Code, the language in Senate Constitutional Amendment 4, if
28 adopted by the Legislature at the 2003–04 5th Extraordinary
29 Session, shall be the only language included in the ballot label for
30 the condensed statement of the ballot title, and the Attorney
31 General may not supplement, subtract from, or revise that
32 language, except that the Attorney General may include the
33 financial impact summary prepared pursuant to Section 9087 of
34 the Elections Code and Section 88003 of the Government Code.
35 The ballot label is the condensed statement of the ballot title and
36 the financial impact summary.

37 Where the voting in the election is done by means of voting
38 machines used pursuant to law in a manner that carries out the
39 intent of this section, the use of the voting machines and the



1 expression of the voters' choice by means thereof are in
2 compliance with this section.

3 SEC. 6. Notwithstanding any other provision of law, the
4 Legislative Analyst is not required to submit his or her analysis of
5 a ballot measure that must appear in a supplemental ballot
6 pamphlet for the March 2, 2004, primary election to a committee
7 for review.

8 SEC. 7. This act shall become operative only if Senate
9 Constitutional Amendment 4 of the 2003–04 5th Extraordinary
10 Session is enacted and becomes effective.

11 SEC. 8. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety
13 within the meaning of Article IV of the Constitution and shall go
14 into immediate effect. The facts constituting the necessity are:

15 To ensure that Senate Constitutional Amendment 4 is submitted
16 to the voters at the March 2, 2004, primary election, it is necessary
17 that this act take immediate effect.

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19 CORRECTIONS

20 Text — Pages 1,2,3.

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